

# **Naples City Council**

## **May 28, 2015**

### **Minutes**

The regularly scheduled meeting of the Naples City Council was held May 28, 2015, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

#### ***DATE, TIME & PLACE OF MEETING***

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

#### ***COUNCIL MEMBERS ATTENDING***

Others attending were Steve Evans, Jessi Bowden, Adam Massey, Rob Heywood, Jim Harper, Liberty Best, Mark Watkins, Joshua Bake, and Nikki Kay.

#### ***OTHERS ATTENDING***

At 7:30 p.m. Mayor Dean Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Dan Olsen offered the invocation.

#### ***OPENING CEREMONY***

Mayor Baker presented the agenda for approval. Councilman Olsen and Councilman Long both stated they had something to discuss under 'Other Matters.' Nikki Kay noted that Connie Patton was going to present the bills and not herself as was printed on the agenda. Robert Hall **moved** to approve the agenda as amended. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

#### ***AGENDA APPROVED***

Mayor Baker presented the minutes of the May 14, 2015 regular City Council meeting for approval. Dennis Long **moved** to approve the minutes as presented. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

#### ***MINUTES APPROVED***

Councilman Long asked Jim Harper if they had a chance to run a camera to check the sewer line on 2500 South. Jim said they have run the camera but he has not seen the report yet. Councilman Long also wanted to know where they are in the process of deputizing Kim Kay. Mayor Baker pointed out that it is on the agenda for tonight.

#### ***FOLLOW UP ITEMS FROM PREVIOUS MEETING***

Councilman Kitchen wanted to know if a letter had been drafted yet to send to the County and GDA regarding the

turnaround at the airport. Joshua Bake said he has been working on that and is waiting for the Mayor to review it. Councilman Kitchen said he would like to see the Council move on that sooner than later. He said he has been in contact with Mr. Walker and was told that no from the County or GDA has been in contact with him in the last couple of months about buying the property needed for the cul-de-sac turn around. Councilman Kitchen said, the rumor is, that it is Naples City's problem and not the County's. Mr. Kitchen said he would like the City to stop the project until their concerns are addressed. Mr. Kitchen said they either need to get proof the property has been purchased or require a bond. He said that is what they make developers do to ensure that roads are put in properly. Mayor Baker wanted to know if any fence has been put across there. Councilman Kitchen said it has not. He said they have the one agreement for access rights to the irrigation, until it is moved, but it did not address the turn around. Mayor Baker told Josh he would like to see the letter finished up by tomorrow and in the hands of the County stating they will not fence the road until the cul-de-sac is completed. Councilman Kitchen said the City required a "plan" before vacating the road and re-zoning the property and that plan is no longer in effect by the airport. Councilman Kitchen said if the FFA won't allow what was proposed then they need to come before the Council with an alternate plan. Mayor Baker asked Joshua to take care of that. He said a copy should go to the County Commissioners, GDA, and the Council. Councilman Kitchen said when the representative from GDA came before the Council a couple of months ago he said they would address the turn around.

Councilman Hall wanted to know if a meeting for the opening of the fire station bids has been set. Joshua Bake said it has tentatively been set for June 8<sup>th</sup>. Councilman Hall said he was trying to determine the date and time for Jeremy Raymond.

Connie Patton presented the bills for payment approval. The amount presented to the Council was \$103,946.69. Dennis Long **moved** to accept the amount of \$103,946.69. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye

#### ***APPROVAL OF THE BILLS***

Kenneth Reynolds     Aye  
Gordon Kitchen       Aye

Steve Evans, Jessi Bowden, and Adam Massey were all present at the meeting representing the Vernal Area Chamber of Commerce. Mr. Evans thanked the Council for allowing them the time to represent the Chamber and the function it serves in the community. Mr. Evans recognized Mr. Massey as the past executive director of the Chamber and also Ms. Bowden who is currently serving as the assistant director. Mr. Evans gave the history of the Chamber and their mission statement. He said he involves himself with the Chamber because he is a business owner and his business relies on the economic viability of the whole community. Mr. Evans said they use the name of "Vernal" Area Chamber of Commerce because every area has a landmark and the landmarks in this area are associated with the name of Vernal more than Uintah County.

***PRESENTATION FROM  
VERNAL AREA CHAMBER  
OF COMMERCE***

Mr. Evans went through a list of the activities that are promoted or supported by the Chamber. He mentioned the burbot bash, Uintah Water Conference, awards banquet, health fair, unplugged program, the farmer's market, and the fly over for the parade. He broke down the different quarters of the year and went through each quarter and what the Chamber is involved with or working on. Some of those included the job fair, home and garden show, paddle festival, parades, rodeo, Energy Summit, Trees for Charity, Mayor's Walk, Holly Days, Turkey Days and the Parade of Lights. Mr. Evans said the Chamber is a source of information for business, travel, and relocation packets.

Mr. Evans stated the Chamber can't survive on memberships alone, he said they need the support of the municipalities. He reported that the increase in memberships has allowed the contribution amount of the municipalities to decrease and he was asking the City to reconsider supporting the Chamber. Mr. Evans stated the City would receive their name on any Chamber signage, an outlet for the distribution of information packets, inclusion on the website, access to staff, a better community profile, representation for tourism, support in legislative issues, and a resource for economic growth as part of their membership benefits. Mr. Evans said they would like to request \$20,000 annually with a five-year commitment from the City.

Mr. Massey told the Council he feels they have a foot in the

door with the State Chamber after hosting one of the summer conferences. He said they took the attendees on an energy tour and showed them different areas of the community. Mr. Massey said the people commented that what they were seeing was not what was being portrayed on the news. Mr. Massey said you have to get them here in order to educate them.

Mayor Baker thanked them all for coming and sharing the information. He said the City is beginning the budget process and they would discuss the Chamber membership.

Mayor Baker explained to everyone that the agreement for the 750 South road in Pheasant Run Subdivision is going to expire June 1, 2015. He then turned the time over to Rob Heywood. Mr. Heywood said they had great plans to develop the rest of Pheasant Run Subdivision and they were going to start construction on March 1, 2015. He said that market conditions were not favorable to develop the next phases. He said they want to develop the subdivision but they can't do it right now. Mr. Heywood said he received an extension to build the 750 South road and that extension expires on June 1. He said he wants to honor the agreement with the City and build the temporary road that was described in the agreement. He said the road would be twenty feet wide and able to support a 25,000 pound axle weight vehicle. Mr. Heywood said they will be building the road out of native asphalt but he needs an extension of sixty days to get the road built. Mr. Heywood said he would be responsible for maintaining the road until he can build the fully improved road. He stated this would be a temporary road and it won't be dedicated to the City and would continue to be his property. He said he wants to maintain it so he can make sure it is functioning right and is posted appropriately and not for through traffic. Councilman Kitchen wanted to know what Mr. Heywood's definition of "maintains" is. Mr. Heywood said it wouldn't be the forty-foot permanent road but it would need to serve its purpose and he doesn't have a schedule of maintenance worked out. Councilman Kitchen said the road would go into the High Country Subdivision but the road would need to be open because it is an emergency access. Mayor Baker said they talked about putting signs up that it was not a through road and would be for emergency use only. Councilman Kitchen said you can't block off or fence an emergency access road. Councilman Kitchen said his question had more to do with what would happen if there was a heavy snow storm, who would remove the snow so

***DISCUSSION TO AMEND  
DEVELOPERS  
AGREEMENT FOR  
PHEASANT RUN  
SUBDIVISION***

there is still access. Mr. Heywood said that was not the type of maintenance he was thinking about. He was thinking more about the integrity of the road. Mr. Heywood said if there was a snow storm and the City needed access he thought the snow plows could be considered an emergency vehicle and if the City wanted to drive their vehicle on there they could do it. Councilman Kitchen said he is not opposed to giving the extension but they need clarification on what maintenance means. Mayor Baker said he guessed they would need to consider weed control, snow removal, and the integrity of the road. Mr. Heywood wanted to know what the City does for any of the other roads. Mayor Baker said there is nothing else in the City that is classified as an emergency road. He said they don't maintain the private roads because of the liability issues and the emergency road would have to be maintained as passable. Mayor Baker said Mr. Heywood would be responsible for the maintenance of the road and they would need to define what that was. Councilman Hall said his concern was the same as Councilman Kitchen, if an emergency vehicle needed to get through there and they weren't able to then everyone would have liability. Joshua Bake said the agreement that is forth coming from the other subdivision does state they will be responsible for snow removal and not the City. Mayor Baker said the City needs to grant the extension to have the road built and would need to set forth the requirements for keeping the road passable. The Council was willing to give Mr. Heywood additional days if needed. Mr. Heywood said another month might be really helpful. Dan Olsen **moved** to execute an extension with Pheasant Run Subdivision and allow them 90 days to build a temporary road at 750 East and maintain the road and keep it passable at all times until a permanent road is built. Robert Hall **seconded** the motion. Mr. Heywood asked about the Heber city property that was put up as collateral. Joshua Bake said, as per the agreement, once the temporary road is built the Heber land would be released. Councilman Olsen asked if it was released once the permanent road is complete. Mayor Baker said it is after the temporary road is finished. Councilman Kitchen said he can't proceed with any of the other phases until the permanent road has been built. The motion passed with all voting aye.

Gordon Kitchen **moved** to go into a public hearing to discuss the budgets. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye. Joshua Bake said the proposed budget this year is larger than past years because

***PUBLIC HEARING TO  
OPEN AND AMEND THE  
FY 2014/2015 AND TO  
RECEIVE INPUT ON THE***

he has included quite a bit more information. Mr. Bake said the proposed budget was approved at the last meeting. He said the information he put together includes information about Naples, the trade area, the demographics for the area, and sales and use tax for the past seven years. Mr. Bake said it shows individuals that the sales tax for this area goes up and down and that is normal.

## ***2015/2016 BUDGETS***

Mayor Baker said the purpose of the public hearing was to make adjustments to the current budget and to receive input on the current proposed budgets. Mayor Baker asked Nikki to explain the adjustments that are being proposed for this year. Nikki explained the adjustments being presented reflect grant money received that needs to be recorded and also the expenditure of those funds for equipment purchases. She noted the court fines received were over what was budgeted and wanted to bring in some of that revenue. Nikki stated the budget for Central Dispatch was over and also the Asset Acquisition budget was over due to the land purchase for the fire station and those would need to be adjusted with a transfer from another line item. Nikki discussed with Council the funds needed to repair 2500 South and also the request made by City Attorney Dennis Judge for an additional payment to cover the cost of his services this fiscal year. With no comments from the public on the proposed changes or the budget for the new fiscal year, Dan Olsen **moved** to close the public hearing. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Robert Hall **moved** to approve the budget adjustments according to the sheet that was put in the packet, with the additional \$24,000 for the City Attorney to be taken from line item 10-68-273, and \$108,000 from 2500 South would come from the surplus. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

A business license application was received from **Renegade Specialized Transport** located at 1941 E 1700 S. Joshua Bake told the Council that Dale Peterson recommended denying this business license based on the following reasons:

## ***BUSINESS LICENSE APPROVAL***

1) the applicant lives at the home with his mother and brother 2) his mother told him he could not operate the business out of the home 3) the home is rented by the family and the owner has not given permission to operate a business from this home. Councilman Kitchen **moved** to deny the license based on the memo received. Kenneth Reynolds **seconded** the motion. The motion passed with all voting in the affirmative.

Nikki Kay presented the Utah State Retirement rates for the year 2015/2016 for approval. Dennis Long **moved** to approve the rates as presented and to include the city pick up the employee portion of the contributory rate. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

***APPROVE UTAH STATE  
RETIREMENT RATES FOR  
2015/2016***

Nikki Kay also wanted the Council to know the Utah Retirement System will open a window in July to allow those on the contributory system to switch to the non-contributory. Nikki said she does not understand the pros and cons of switching and was in the process of trying to gather more information. She said the Council would need to determine if they want to switch and would then need to set up a meeting with the affected employees to discuss the change. No action was taken on this matter it was for information purposes.

It was discussed at the last meeting the need to appoint a deputy recorder to help on a day that Nikki would be out of the office. It was discussed to appoint Kimberly Kay as a temporary deputy recorder. Dan Olsen **moved** to approve the appointment. Kenneth Reynolds **seconded** the motion. The motion passed as follows:

***APPOINT DEPUTY  
RECORDER***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Council members received two travel requests from Joshua Bake. Joshua stated the first request was to attend the Utah Local Governments Trust Annual Meeting. The requested amount was \$30 for the day. The second request was to attend the Utah Land Institute Nonconforming and Conditional Uses. The request was for \$30 per diem and \$125 for the registration. Dan Olsen **moved** to approve both travel requests in the amount of \$185. Dennis Long **seconded** the motion. The motion passed with all voting aye.

***TRAVEL REQUESTS BY  
CITY ADMINISTRATOR***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Councilman Olsen said it has been brought to his attention there is a tree or bush located at the corner of 1500 S 1500 E that is blocking the line of site for entry onto Hwy 40. He asked if the Chief and Jim could take a look and see about getting it trimmed or removed. He said the bush is right under the sign of Pilot Logistics.

***OTHER MATTERS AND  
FUTURE COUNCIL  
MATTERS***

Councilman Long asked Jim Harper if he received any signs from UDOT for the restriction of jake brakes on SR 45. Jim said he has not contacted UDOT yet. It was discussed that the Ordinance still needs to be passed and then Jim can take that to UDOT to see about getting the signs.

Councilman Long also reported on the conference center and said it should be finished six weeks ahead of schedule.

Councilman Olsen wanted to make sure everything was good to go for the Relay for Life. Councilman Kitchen said he would check with the Recreation District and make sure.

Councilman Olsen also asked about the Farm Subdivision. Joshua said it came right down to the wire to have it on this agenda but it did not happen. He said everything should be worked out and the approval should be ready for next Council agenda.

Mayor Baker handed out information for some training on June 11, 2015. He said that will be the night of Council but members should be able to attend most of it and then be to City Council meeting. Mayor Baker said he would also like to



put the Resolution in support of the fuel tax on the next agenda. Councilman Kitchen said he wanted to see them remove the language about the obesity or health of a person and just concentrate on the transportation and fuel tax aspect. He felt a lot of the "whereas" clauses were unnecessary.

Kenneth Reynolds **moved** to adjourn the meeting at 9:30 p.m. Dennis Long **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

***MOTION TO ADJOURN***

APPROVED BY COUNCIL ON THE 11<sup>th</sup> DAY OF JUNE 2015

BY: \_\_\_\_\_

ATTEST: \_\_\_\_\_